

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Planning, Research & Development

**AGENDA DATE:** Introduction: February 15, 2005  
Public Hearing: March 8, 2005

**CONTACT PERSON/PHONE:** Fred Lopez, 541-4925

**DISTRICT(S) AFFECTED:** 1

**SUBJECT:**

An Ordinance granting Special Permit No. ZON04-00144, to allow for a planned residential development on a portion of H. G. Foster Surveys No. 257, 258, and 262, El Paso, El Paso County, Texas pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: EP Park Hills II, Ltd. (District 1)

**BACKGROUND / DISCUSSION:**

See attached report.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** George Sarmiento, AICP

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**JOE WARDY**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER



**PLANNING, RESEARCH &  
DEVELOPMENT DEPARTMENT**

February 7, 2005

***CITY COUNCIL***

**SUSAN AUSTIN**  
DISTRICT NO. 1

**ROBERT A. CUSHING, JR.**  
DISTRICT NO. 2

**JOSE ALEXANDRO LOZANO**  
DISTRICT NO. 3

**JOHN F. COOK**  
DISTRICT NO. 4

**PRESI ORTEGA**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**VIVIAN ROJAS**  
DISTRICT NO. 7

**ANTHONY W. COBOS**  
DISTRICT NO. 8

**TO:** The Honorable Mayor and City Council  
**FROM:** Fred Lopez, Planner II / Zoning Coordinator  
**SUBJECT:** ZON04-00144

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The City Plan Commission (CPC), on January 13, 2005, voted **5 - 0** to recommend **APPROVAL** of this special permit request to allow for a planned residential development with private streets, concurring with Staff's recommendation.

The CPC found that this special permit is in conformance with The Plan for El Paso. The CPC also determined that this special permit protects the best interest, health, safety and welfare of the public in general.

There was **OPPOSITION** to this request at the CPC Hearing.

## **STAFF REPORT**

**Special Use Permit #:** ZON04-00144

**Property Owner(s):** EP Park Hills II, Ltd.

**Applicant(s):** EP Park Hills II, Ltd.

**Representative(s):** Conde, Inc.

**Legal Description:** A portion of H. G. Foster Surveys No. 257, 258, and 262

**Location:** North of Ojo De Agua Drive and West of Via Descanso Lane

**Representative District:** # 1

**Area:** 21.33 Acres

**Zoning:** R-3A (Residential)

**Existing Use:** Vacant

**Proposed Use:** Planned residential development with private streets

**Recognized Neighborhood Associations Contacted:** Save The Valley, Texas Apache Nation Inc.

**Surrounding Land Uses:**

<b>North -</b>	R-3A (Residential) / residential
<b>South -</b>	R-3 (Residential) / residential
<b>East -</b>	R-3A (Residential) / residential
<b>West-</b>	R-3A (Residential) / residential

**Year 2025 Designation:** Residential (Northwest Planning Area)

**CITY PLAN COMMISSION HEARING, January 13, 2005,  
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

**Special Use Permit: ZON04-00144**

**General Information:**

The applicant is requesting a special permit to allow for a planned residential development with private streets. The property is 21.33 acres in size and is currently zoned R-3A (Residential). The proposed site plan shows eight (8) residential lots to be located on the site. Access is proposed via Calle del Sur Drive. There are no zoning conditions currently imposed on this property.

**Information to the Commission:**

The Planning Department has received no calls or letters in support or opposition to this application.

**Staff Recommendation:**

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this special permit request.

The recommendation is based on the following:

**The Plan for El Paso** City-Wide Land Use Goals recommend that El Paso “provide a wide range of housing types that respond to the needs of all economic segments of the community.”

**The Year 2025 Projected General Land Use Map** for the **Northwest** Planning Area designates this property for **Residential** land uses.

**R-3A (Residential) zoning** permits a planned residential development by special permit.

The Commission must determine the following:

- A. Will the special permit for a planned residential development protect the best interest, health, safety and welfare of the public in general?
- B. Will the planned residential development be compatible with adjacent land uses?

**Information To The Applicant:**

Building Permits and Inspections Department Notes:

No objections to the special permit.

Engineering Department, Development Division Notes:

See subdivision comments for Park Hills Unit 10.

Engineering Department, Traffic Division Notes:

No apparent traffic concerns.

Fire Department Notes:

Special permit request does not adversely affect the Fire Department.

El Paso Water Utilities Notes:

See Enclosure 2.

Planning, Research & Development Department Notes:

- A. The Year 2025 Projected General Land Use Map for the Northwest Planning Area designates this property for Residential land uses.
- B. R-3A (Residential) zoning permits a planned residential development by special permit.

**ATTACHMENT:** Site Plan; Enclosure 1, Enclosure 2.

**NOTE TO THE PROPERTY OWNER:** CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT AT (915) 541-4056.

To: Fred Lopez  
Planner II/Zoning Coordinator

From: El Paso Water Utilities-Engineering Section

Date: November 22, 2004

Subject: **ZON04-00144 Special Use Permit**  
A Portion of H.G. Foster Surveys No. 257, 258 and 262; North of Ojo de Agua Drive  
Zoning: R-3A (Residential)  
Proposed Use: Single-family residential development with private streets

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We have reviewed the above referenced special use permit request and provide the following comments:

**Water:**

1. On-site extensions from a proposed water main along Calle Del Sur Drive within the future Park Hills Unit Nine Subdivision will be required to serve the proposed Park Hills Unit Ten Subdivision.

2. Water service to Park Hills Unit Ten subdivision is only available from an intermediate pressure system from the Coronado Country Club Number Three (3) Pressure Zone. Private water pressure regulating devices will be required at the discharge side of each water meter. The Developer shall include in the sale of contract documents that the lot/home buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. Additionally, the lot/home buyer shall be responsible for the operation and maintenance of the above-described water pressure regulating devices.

3. The Developer shall provide ADA minimum width requirements at all fire hydrant locations.

**Sanitary sewer:**

4. There exists an 8-inch diameter sanitary sewer main along Ojo de Agua Drive that extends along the south boundary of Chaparral Park Unit 39 subdivision; there are no public sanitary sewer mains fronting the proposed subdivision along Ojo de Agua Drive.

5. An off-site sanitary sewer main extension will be required from Calle Alta Drive to the existing 8-inch main along Ojo de Agua Drive. A 20-foot wide El Paso Water Utilities – Public Service Board (EPWU-PSB) easement will be required to accommodate the proposed sanitary sewer main. EPWU requests that the Developer coordinate with the Utility's design section regarding the alignment of the proposed easement.

**General:**

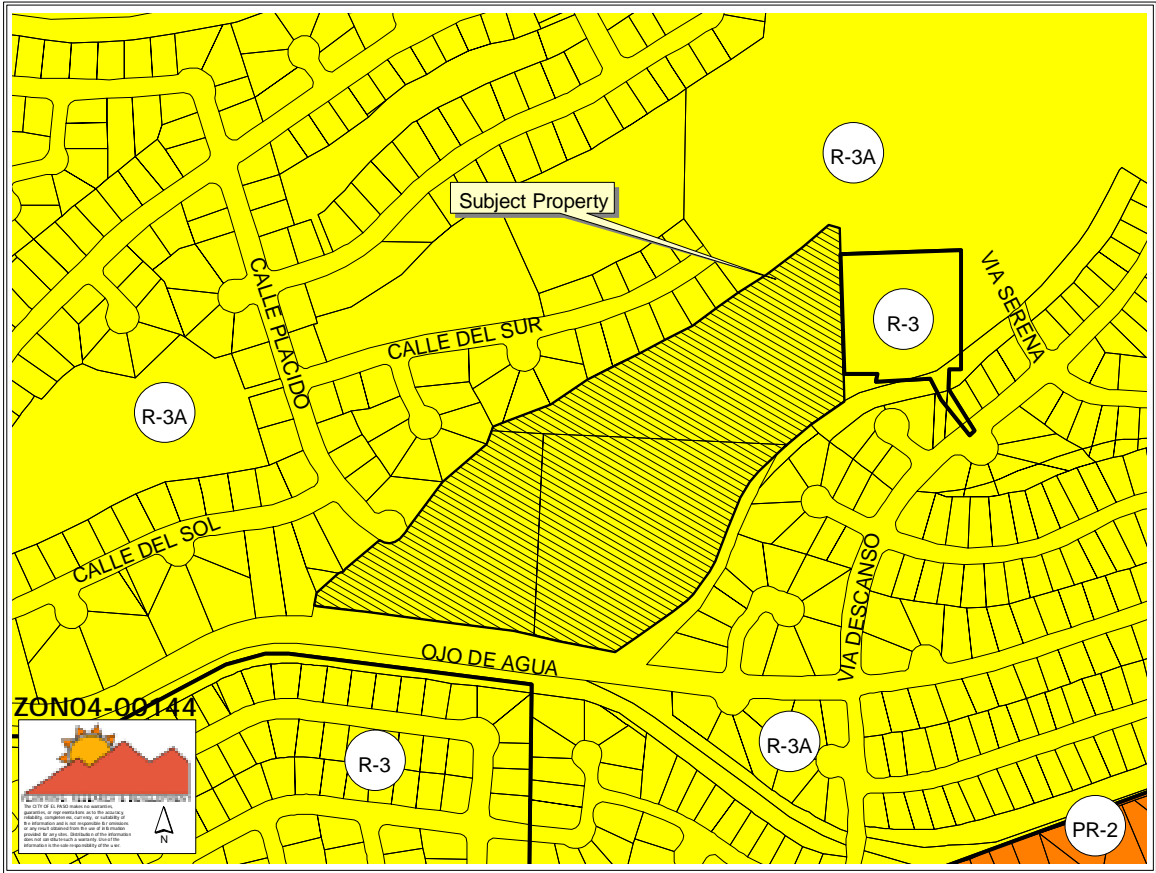
6. The proposed private street shall be dedicated as a full-width utility easement.

7. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easements without the written consent of EPWU-PSB. EPWU requires drivable access along the full length of the easements; the easements shall be improved to meet EPWU easement standards.

8. Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area.

9. EPWU does not object to this request. EPWU requires a set of city-approved improvement plans as well as an electronic file of the subdivision plat (with lot addresses) to initialize the design of the water and sanitary sewer main extensions required to serve the subdivision. The Owner/Developer is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances. Furthermore, application for services for subject subdivision must be made a minimum of eight weeks in advance of construction.

**GENERAL LOCATION MAP**





## AERIAL MAP



[illegible]

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00144, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF H. G. FOSTER SURVEYS NO. 257, 258, AND 262, EL PASO, EL PASO COUNTY, TEXAS PURSUANT TO SECTION 20.12.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, EP Park Hills II, Ltd. has applied for a Special Permit under Section 20.12.040 of the El Paso Municipal Code to allow for a planned residential development;

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the property described as follows is in an **R-3A (Residential)** District:

*A portion of H. G. Foster Surveys No. 257, 258, and 262, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached Exhibit "A"; and*

2. That a planned residential development is authorized by Special Permit in **R-3A (Residential)** districts under Section 20.12.040 of the El Paso Municipal Code; and

3. That the requirements for a planned residential development under Section 20.12.040 have been satisfied; and

4. That the City Council hereby grants a Special Permit under Section 20.12.040 of the El Paso Municipal Code to allow a planned residential development on the above-described property; and

5. That this Special Permit is issued subject to the development standards in the **R-3A (Residential)** district regulations and subject to the approved Site Development Plan, signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A

copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and

6. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued; and

7. That if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON04-00144** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

THE CITY OF EL PASO

\_\_\_\_\_  
Joe Wardy  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Fred Lopez, Zoning Coordinator  
Planning, Research & Development

\_\_\_\_\_  
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Matt Watson, Assistant City Attorney  
MW: 8826/planning/1/ord

AGREEMENT

EP Park Hills II, Ltd., the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Site Development Plan and in accordance with the standards identified in the **R-3A (Residential)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 26th day of January, 2005.

EP PARK HILLS II, LTD.  
BY: EP PARK HILLS, INC.  
ITS GENERAL PARTNER

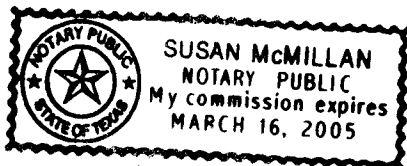
By: Timothy C Foster  
Timothy C. Foster, President  
(name/title)

Acknowledgment

THE STATE OF TEXAS     )  
                                      )  
COUNTY OF EL PASO     )

This instrument is acknowledged before me on this 26th day of January, 2005, by Timothy C. Foster as President, on behalf of **EP Park Hills, Inc.**, as Applicant.

My Commission Expires:  
3/16/05



Susan McMillan  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
Susan McMillan

Being portion of H.G. Foster,  
Surveys No. 257, 258, and 262,  
City of El Paso, El Paso County, Texas  
January 26, 2005

## Exhibit "A"

### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of H.G. Foster, Surveys No. 257, 258, and 262, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing City Monument Disk at the point of intersection centerline Calle Placido Dr. in front of Lot 5, Block 9, as referenced in Park Hills Unit Seven recorded in volume 79, page 69, plat records of El Paso County, Texas, thence South 32°57'01" West a distance of 29.50 feet to a point on the southwesterly right of way line of Calle Placido Dr. for THE "TRUE POINT OF BEGINNING".

Thence along said right of way of Calle Placido Dr. cul-de-sac, 77.54 feet along the arc of a curve the left which has a radius of 50.00 feet, a central angle of 88°51'14", and a chord which bears North 78°31'23" East a distance of 70.00 feet to a point on the southeasterly line of Park Hills Unit Seven;

Thence along said southeasterly line of Park Hills Unit Seven the following five courses

North 37°43'45" East a distance of 205.16 feet to a point;

North 50°29'49" East a distance of 173.47 feet to a point;

North 13°47'32" East a distance of 56.68 feet to a point;

North 64°21'24" East a distance of 186.73 feet to a point;

North 54°02'36" East a distance of 129.69 feet to a point on the southerly line of Park Hills Unit Eight;

Thence along said line of Park Hills Unit Eight North 56°58'34" East a distance of 348.93 feet to a point;

Thence continuing along said line North 51°29'37" East a distance of 169.12 feet to a point on the southerly line of Proposed Park Hills Unit Nine;

Thence along said line North 51°27'48" East a distance of 155.00 feet to a point;

Thence continuing along said line North 54°57'21" East a distance of 213.20 feet to point;

Thence South 22°37'08" East a distance of 0.54 feet to a point;

Thence, 58.37 feet along the arc of a curve the right which has a radius of 251.97 feet, a central angle of 13°16'22", and a chord which bears South 15°55'56" East a distance of 58.24 feet to a point;

Thence South 89°40'35" East a distance of 3.54 feet to a point at the northwest corner of existing 2.95 acre Public Service Board parcel referenced in description prepared by Faught & Associates Inc. Job No. 5970-05;

Thence along said parcel South 00°19'25" West a distance of 489.02 feet to a point at the northwesterly drainage right of way line referenced in Chaparral Park Unit 40 recorded in volume 78, page 48, plat records of El Paso County, Texas;

Thence with said right of way line, 291.89 feet along the arc of a curve the left which has a radius of 1408.10 feet, a central angle of  $11^{\circ}52'37''$ , and a chord which bears South  $46^{\circ}29'45''$  West a distance of 291.37 feet to a point at the most northerly common corner of Chaparral Park Unit 40 and Chaparral Park Unit 39 Amending Subdivision Plat recorded in volume 75, page 72, plat records of El Paso County, Texas;

Thence along the northwesterly drainage right of way line referenced in Chaparral Park Unit 39 Amending Subdivision Plat the following four courses;

138.36 feet along the arc of a curve the left which has a radius of 343.11 feet, a central angle of  $23^{\circ}06'15''$ , and a chord which bears South  $29^{\circ}00'19''$  West a distance of 137.42 feet to a point;

South  $17^{\circ}27'12''$  West a distance of 135.63 feet to a point;

252.63 feet along the arc of a curve the right which has a radius of 390.64 feet, a central angle of  $37^{\circ}03'13''$ , and a chord which bears South  $35^{\circ}58'48''$  West a distance of 248.25 feet to a point;

South  $54^{\circ}30'25''$  West a distance of 241.77 feet to a point at the northerly right of way line of Ojo De Agua Dr. (70.00 foot right of way) referenced in Chaparral Park Unit 39 recorded in volume 72, page 34, plat records of El Paso County, Texas;

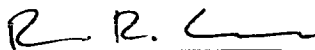
Thence along said right of way North  $85^{\circ}50'01''$  West a distance of 871.83 feet to a point at the southeast corner of Lot 16, Block 5, Park Hills Unit Three recorded in volume 77, page 41, plat records of El Paso County, Texas;

Thence leaving said right of way line North  $04^{\circ}14'24''$  East a distance of 152.56 feet to a point;

Thence South  $85^{\circ}57'54''$  East a distance of 70.97 feet to a point;

Thence North  $46^{\circ}59'22''$  East a distance of 152.38 feet to a point;

Thence 17.85 feet along the arc of a curve to the right which has a radius of 664.50 feet, a central angle of  $1^{\circ}32'20''$ , and a chord which bears North  $57^{\circ}49'09''$  West a distance of 17.85 feet to a point for THE "TRUE POINT OF BEGINNING" and containing 21.192 Acres of land more or less;



Ron R. Conde  
Registered Professional Land Surveyor  
Texas License No. 5152  
Job No. 704-78

